

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

**THE UNITED STATES OF AMERICA, for  
the use and benefit of ROBERT LLOYD  
ELECTRIC CO., INC.,**

**Plaintiff,**

**v.**

**FLUOR ENTERPRISES, INC.,  
FLUOR DANIEL CARIBBEAN, INC.,  
ZURICH AMERICAN INSURANCE  
COMPANY, FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND, FEDERAL  
INSURANCE COMPANY, LIBERTY  
MUTUAL INSURANCE COMPANY, and  
TRAVELERS CASUALTY AND SURETY  
COMPANY,**

**Defendants.**

**Case Number: 6:19-cv-2419-BHH**

**JOINT CONFERENCE AND  
SCHEDULING ORDER**

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case.

1. The parties held their Rule 26(f) conference on August 2, 2019 before the action was transferred into this Court. At the conference the parties conferred concerning all matters set forth in Fed. R. Civ P. 26(f). The parties also conferred and agreed to the schedule set forth in this order.<sup>1</sup>
2. No later than **October 11, 2019**, the required initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made.<sup>2</sup>

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<sup>1</sup>The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See attached Notice of Availability of United States Magistrate Judge.

<sup>2</sup>Pursuant to Fed. R. Civ. P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed. R. Civ. P. 29 and Local Civil Rule 29.01.

3. No later than **November 1, 2019**, the parties shall file a Rule 26(f) Report in the form attached to this order. Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.
4. Motions to join other parties (Fed.R.Civ.P.16(b)(3)(A)) shall be filed no later than **November 1, 2019**.<sup>3</sup> Motions to amend pleadings shall be filed no later than **April 3, 2020**.<sup>4</sup>
5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **May 1, 2020**.
6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **June 1, 2020**.
7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **February 21, 2020**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
8. Written discovery, i.e., interrogatories and requests for production, shall be completed not later than **December 2, 2019**. The Parties agree that the above deadline shall not prevent a Party from pursuing additional discovery based on later acquired information, whether by agreement or leave of court. All written discovery requests shall be served in time for the responses thereto to be served by this date. All fact discovery, including interrogatories, requests for production, fact depositions and Requests for Admissions, shall be completed by **March 27, 2020**. All expert discovery, including expert depositions, shall be completed not later than **July 31, 2020**. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 and have had a telephone conference with Judge Hendricks in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such motion.**
9. Mediation shall be completed in this case on or before **July 31, 2020**. See the Mediation Order filed in this case which sets forth mediation requirements.

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<sup>3</sup>As a general rule, when no timely response is filed to any motion, the Court will grant the motion with the notation that it is being "granted *without opposition*."

<sup>4</sup>As a general rule, when no timely response is filed to any motion, the Court will grant the motion with the notation that it is being "granted *without opposition*."

10. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **August 21, 2020**. (Fed.R.Civ.P.16(b)(3)(A)).
11. This case is subject to being called for jury selection and/or trial the later of 60 days after dispositive motions have been resolved or **September 14, 2020**. Once a specific jury selection and trial date are scheduled, a Notice will be issued at that time. The Notice will set forth deadlines for the Fed. R. Civ. P. 26(a)(3) pretrial disclosures and objections, Motions in Limine, Pretrial Briefs, and marking of exhibits.

s/Bruce Howe Hendricks  
United States District Judge

October 3, 2019  
Greenville, South Carolina

Pursuant to Local Civil Rule 83.I.06, this order is being sent to local counsel only.